

IN THE UNITED STATES OF DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : DATE FILED: _____
:
: CRIMINAL NO. _____
v. :
:
: VIOLATION: 18 U.S.C § 1341
JAMES GARRITY : (Mail fraud - 3 counts)
:

I N D I C T M E N T

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this Indictment:

1. Defendant James Garrity was a resident of Lancaster County, Pennsylvania.
2. e-Bay was an Internet-based marketplace for the sale of goods and services by individuals and businesses. The company provided a variety of international sites, specialty sites, categories and services over the Internet for the purpose of providing Internet users with the necessary tools for online trading in the auction-style and fixed price format.
3. Yahoo! was a global Internet communications, commerce and media company which offered a branded network

of services. As an online navigational guideline to the Worldwide Web, Yahoo! offered an array of Internet communications, commerce and content services.

4. America Online, Inc., a division of AOL Time Warner, was an Internet company which offered to its users interactive services, Web brands, Internet technologies and e-commerce services.

THE SCHEME

5. From in or about January 2000, and continuing to in or about November 2000, in the Eastern District of Pennsylvania and elsewhere, defendant

JAMES P. GARRITY

devised and intended to devise a scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part of the scheme to defraud that:

6. Defendant James Garrity, using the name "Concerts Promotions," rented mail box number 286 under the name of "Concerts Promotions" from Mail Box, Etc., 8581 Santa Monica Blvd., West Hollywood, California in order to disguise his true identity and location in Pennsylvania. He

instructed Mail Box, Etc. to forward mail to 381 Rockhill Road Box #1 in Millersville, PA.

7. Defendant JAMES P. GARRITY, aided by an individual known to the grand jury as "G.L.", advertised for sale to the highest bidder on e-Bay, tickets and backstage passes to concerts by N'SYNC, the Backstreet Boys, Britney Spears, Phish and other performing artists. Defendant required that tickets and backstage passes had to be purchased as a "package deal." Individuals who wanted to purchase backstage passes, but not the tickets, were unable to do so.

8. The highest bidder was contacted by defendant JAMES P. GARRITY through e-mail service providers America Online, Inc. and Yahoo! with instructions regarding the method and location for payment for the tickets and passes.

9. Defendant JAMES P. GARRITY restricted payment to cashier's checks, money orders and bank checks and directed bidders to send payment to Concerts Promotions at to the commercial mail box that he had rented in West Hollywood, California.

10. After receiving payment from the highest bidders, defendant JAMES P. GARRITY procured concert

tickets from brokers. The price of such tickets typically cost approximately \$150 per ticket or \$300 for two tickets

11. After purchasing legitimate tickets from brokers, defendant GARRITY procured backstage passes from prior concerts by N'SYNC, the Backstreet, Boys and Britney Spears and listed for sale over eBay's auction site the legitimate tickets and bogus passes for approximately \$1,400.

12. On or about April 17, 2000, in the Eastern District of Pennsylvania and elsewhere, defendant

JAMES P. GARRITY

for the purpose of executing and attempting to execute the aforementioned scheme to defraud and attempting to do so knowingly caused to be delivered by mail, according to the directions thereon, from Mail Box, Etc., 8581 Santa Monica Blvd., West Hollywood, California 90069, the following mail matter which was addressed to JAMES GARRITY, 318 Rockhill Road #1, Millersville, PA 17551:

Count	Sender	Recipient	Delivered on or About The Following Dates

ONE	Mail Box, Etc., 8581 Santa Monica Blvd., West Hollywood, California	James P. Garrity, 381 Rockhill Road, Box #1, Millersville, PA.	April 17, 2000
TWO	Mail Box, Etc., 8581 Santa Monica Blvd., West Hollywood, California	James P. Garrity, 381 Rockhill Road, Box #1, Millersville, PA.	April 28, 2000
THREE	Mail Box, Etc., 8581 Santa Monica Blvd., West Hollywood, California	James P. Garrity, 381 Rockhill Road, Box #1, Millersville, PA.	May 9, 2000

In violation of Title 18, United States Code, 1341.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney

